

1 Effie F. Anastassiou, Esq. (State Bar #96279)
 Daniel E. Griffie, Esq. (State Bar #229897)
 2 Karli R. Jungwirth (State Bar #227956)
 ANASTASSIOU & ASSOCIATES
 3 242 Capitol Street
 Post Office Box 2210
 4 Salinas, California 93902
 Telephone: (831) 754-2501
 5 Facsimile: (831) 754-0621
 6 Attorneys for Plaintiff
 MAJOR FARMS, INC.

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 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

11 MAJOR FARMS, INC., a California)
 corporation;)
 12)
 Plaintiff,)
 13)
 v.)
 14)
 SALYER AMERICAN FRESH FOODS, a)
 15 California Corporation; SCOTT SALYER, an)
 Individual; STEVE FRANSON, as Receiver)
 16 appointed in the case of *Bank of the West v.*)
Salyer American Fresh Foods, Salyer)
 17 *American Cooling*, Monterey County Superior)
 Court Case Number GNM98573; and BANK)
 18 OF THE WEST, a California Banking)
 Corporation;)
 19)
 Defendants.)
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CASE NO. C09-04985-JF

**STIPULATION FOR EXTENSION OF TIME
 TO FILE RESPONSIVE PLEADING AND
 [PROPOSED] ORDER THEREON**

21 WHEREAS, Plaintiff MAJOR FARMS, INC. ("Major Farms") previously filed its complaint in
 22 the above-entitled action ("Complaint"); and

23 WHEREAS, Defendant STEVE FRANSON, as receiver appointed in the case of *Bank of the West*
 24 *v. Salyer American Fresh Foods, Salyer American Cooling*, Monterey County Superior Court Case
 25 Number GNM98573 ("Franson") is required to file a responsive pleading to the Complaint by April 19,
 26 2010 per Major Farms' and Franson's agreement; and

1 WHEREAS, on March 10, 2010, this Court filed its Order Granting Plaintiffs' Joint Motion for
 2 Establishment of Segregated PACA Account and PACA Trust Claims Procedure for Determination and
 3 Payment of Valid PACA Claims (the "Joint Motion")¹ and Deferring Ruling on the Motion to Dismiss,
 4 or in the Alternative, Motion for a More Definite Statement previously filed by Defendant BANK OF
 5 THE WEST, a California banking corporation, as administrative agent for itself, AGSTAR FINANCIAL
 6 SERVICES, PCA/FLCA, and FCS FINANCIAL, PCA (the "Bank") in response to the Complaint and
 7 stayed all discovery in the above-entitled action (and consolidated actions) with respect to all claims
 8 except for PACA claims until further order of this Court; and

9 WHEREAS, Major Farms and Franson believe that, in the interest of judicial economy, Franson
 10 should be granted an open extension of time to file a responsive pleading to the Complaint which can be
 11 revoked on fifteen calendar days' notice to Franson at the time that all of the PACA claims made in the
 12 above-entitled action are resolved; and

13 WHEREAS, Major Farms and Franson believe it to be in their best interest to enter into the
 14 following stipulation:

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26 ¹ The Joint Motion was filed by the plaintiffs in the consolidated cases: (1) BRAGA RANCH,
 27 INC. Case No. 09-cv-04207 JF; (2) HIGASHI FARMS, INC., K&S FARMS, LLC, M. NISHIMORI
 28 FARMS, INC., MANN PACKING CO., INC., MARTIN JEFFERSON & SONS, MERRILL FARMS,
 LLC, NEW STAR FRESH FOODS, LLC, TAYLOR FARMS CALIFORNIA, INC. Case No.
 04-cv-04983 JF; (3) MAJOR FARMS, INC. Case No. 09-04985 JF; and (4) G&H FARMS, LLC, JOHN
 S. TAMAGNI & SONS, INC., PEDRAZZI FARMS, INC., ED MEHL, and C&G FARMS, INC.

STIPULATION

IT IS HEREBY STIPULATED by and between Major Farms, through its attorneys of record Anastassiou & Associates, and Franson, through its attorneys of record, Perkins, Mann & Everett, P.C., that Franson shall be granted an open extension of time to file a responsive pleading to the Complaint, which open extension of time may be revoked on fifteen calendar days' written notice to Franson's counsel of record in the above-entitled action.

Dated: March 25, 2010

ANASTASSIOU & ASSOCIATES

By: /s/ Effie F. Anastassiou, Esq.
Effie F. Anastassiou, Esq.
Attorneys for Plaintiff,
Major Farms, Inc.

Dated: March 30, 2010

Perkins, Mann & Everett, P.C.

By: Reid Everett
Reid Everett
Attorneys for Receiver,
Steve Franson

~~PROPOSED~~ ORDER

Good cause appearing therefor:

IT IS SO ORDERED.

DATED: 4/7/10

[Signature]
UNITED STATES DISTRICT JUDGE

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